



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/550,943

09/28/2005

Werner Jacob

P70864USD

4045

136 7590 02/22/2008  
JACOBSON HOLMAN PLLC  
400 SEVENTH STREET N.W.  
SUITE 600  
WASHINGTON, DC 20004

EXAMINER

DELSLE, ROBERTA S

ART UNIT

PAPER NUMBER

4155

MAIL DATE

DELIVERY MODE

02/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/550,943

**Applicant(s)**

JACOB, WERNER

**Examiner**

ROBERTA S. DELISLE

**Art Unit**

4155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9-28-05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)  
Paper No(s)/Mail Date 9-28-05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For example: Claim 1, line 8, recites the term "it", which is unclear as there are no fewer than 5 indeterminately recited elements preceding "it". To which element exactly is the term supposed to be referencing cannot be accurately determined. Therefore, the claim and its dependents will be further treated on the merits ***as best understood***.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sagady (U.S. Patent 4,136,982, "Sagady").

**Regarding Claim 1, Sagady discloses:**

**Reference figures 1-6, for example**

Art Unit: 4155

(original): Locking ring for axially fixing a shaft part (3) (10) in a ring part (1) (42), where the shaft part (3) (10) has an peripheral groove (41) (14) and the ring part (1) (42) has an inner groove (21) (44), in which the locking ring (5) (20) comprising an opening in the circumferential direction engages in the fixed state, characterized in that the locking ring (5) (20) has first partial areas (56, 57, 51, 53) (58<sup>7</sup>, 68, 72, 74), that engage in the inner groove (21) (44) after the resiliently pressing together the locking ring (5) (20), so that so that it can be placed in the inner opening (21) (44) of the ring part (1), pushing the locking ring (5) (20) into the area of the inner groove (21) (44) and releasing and expanding the locking ring (5) (20) and also has second partial areas (52, 54, 55) (52, 64, 66), that project from the inner groove (21) (44) once the locking ring (5) (20) has been placed in the inner groove (21) (44) and which are resiliently pushed outward in a phase (7) of the shaft part (3) (10) which has been pushed into the inner opening (2) so that the safety ring (5) (20) can slide on the periphery of the shaft part (3) (10) until it reaches the area of the peripheral groove (41) (14) and the second partial areas (52, 54, 55) (52, 64, 66) resiliently snap onto said peripheral groove.

**Regarding Claim 2, Sagady further discloses:**

(original): Locking ring pursuant to claim 1, characterized in that, the first and second partial areas are each distributed evenly over the periphery of the inner groove (21) (44) and/or the peripheral groove (41) (14).

**Regarding Claim 3, Sagady further discloses:**

(currently amended): Locking ring pursuant to claim 1 ~~or 2~~ characterized in that, it has the shape of a triangle formed from a base part (52) (66) and two side parts (54, 55) (52, 64) connected to the former, where the first partial areas are formed by the two corner areas (51, 53) (72, 74) between the base part and the side parts and the free end areas (56, 57) (58<sup>7</sup>, 68) of the side parts of the triangle and the second partial areas are formed by the middle areas of the base part (52) (66) and the side parts (54, 55) (52, 64).

**Regarding Claim 4, Sagady further discloses:**

(original): Locking ring pursuant to claim 3, characterized in that, the side parts (54, 55) (52, 64) and the base part (52) (66) form an equilateral triangle.

**Regarding Claim 5, discloses:**

(currently amended): Locking ring pursuant to claim 1 ~~or 2~~, characterized in that, it has the shape of a triangle (5'; 5'') with side parts and corner areas, where the first partial areas are formed by the corner

Art Unit: 4155

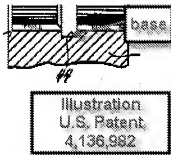
areas (51', 52', 53', 51", 52", 53", 54", 55") and the free end areas (56', 57', 56", 57") adjoining the opening of the locking ring (5'; 5") and where the second partial areas are formed by the middle areas of the side parts of the triangle.

#### Regarding Claim 7, Sagady further discloses:

(currently amended): Locking ring pursuant to ~~any of the claims 1 to 6~~ claim 1, characterized in that, the corner areas (51, 53) **(72, 74)** are rounded off.

#### Regarding Claim 8, Sagady further discloses:

(original): Locking ring pursuant to claim 7, characterized in that, the rounding of the corner areas (51, 53) is adjusted to the radius of the base (22) **(see Illustration below)** of the inner groove (21) **(44)**.



#### Regarding Claim 9, Sagady further discloses:

(currently amended): Locking ring pursuant to ~~any of the claims 1 to 8~~ claim 1, characterized in that, it has a circular, oval, rectangular, quadratic or polygonal design in its material cross-section **(shown in figures 4-6)**.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 4155

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sagady (U.S. Patent 4,136,982, "Sagady") in view of Spath (U.S. Patent 5,605,939, "Spath").

**Regarding Claim 6, Sagady discloses a snap ring as described previously but does not disclose an oval shape.**

**Spath teaches:**

**Reference figure 7, for example**

(currently amended): Locking ring pursuant to claim 1 or 2 characterized in that, it has an oval or elliptical shape, where the first partial areas are formed by areas of the largest diameter of the locking ring (5") (100), where the opening and the end areas (56", 57") (A, B see **Illustration below**) of the locking ring are arranged in an area of the largest diameter of the locking ring (5") (100) and where the second partial areas are formed by their middle areas of the locking ring (5") (100) that lie between the areas of the largest diameter.

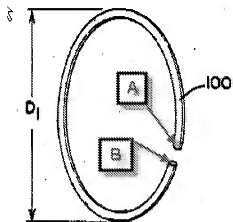


Illustration  
U.S. Patent  
5,606,939

Examiner notes that Sagady discloses several shapes, including a circle, for a snap ring. Spath teaches the use of an oval shaped snap ring. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Sagady by using an oval shaped snap ring as taught by Spath to provide increased prevailing load to resist shaft chocking or spinning tendencies. (Column 4, Lines 28-29).

**Alternatively, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an oval shape, since there is no invention in merely changing the shape or form of an article without changing its function except in a design patent. *Eskimo Pie Corp. v. Levous et al.*, 3 USPQ 23.**

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta S. DeLisle ("Bobbi") whose telephone number is (571)270-3746. The examiner can normally be reached on M - F 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on 571 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/  
Victor D. Batson  
Supervisory Patent Examiner  
Art Unit 4155